



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.14468 of 2020

1.Kavitha
2.Srinivasan

... Petitioners/2nd & 3rd Accused

Vs

The state through,
The Inspector of Police,
Karur Town Police Station,
Karur District.
(In Crime No.1205/2020).

... Respondent/Complainant

For Petitioners : M/s. Ajmal Khan, Senior Counsel
for M/s.J.Senthil Kumaraiah,
Advocate.

For Respondent : Mr.KR.Bharathikannan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

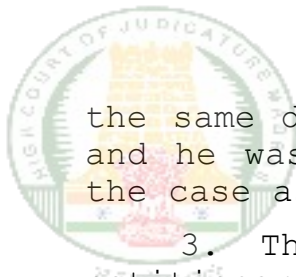
PRAYER :-

For Anticipatory Bail in Crime No.1205/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 336, 506(ii) @ 304(ii) of IPC seek anticipatory bail.

2.The case of the prosecution is that on 30.10.2020 during the temple festival there was a dispute between the petitioner's family and the defcto complainant family in respect of pasting their respective political party flex. While being so, the first accused abused the defacto complainant with filthy language and when the same was questioned by the defacto complainant there was push and pull in which the first accused said to the caused blow by his hand on the deceased. Thereafter he fell down and the other persons also scolded him with filthy language and threatened with dire consequences. Thereafter the first accused chased him and the other accused attacked the defacto complainant with stones, thereby the deceased sustained grievous injuries. Initially case was registered under Sections 294(b), 323, 336 and 506(ii) of IPC, thereafter on



the same day at about 9.00 pm., the deceased suffered heart attack and he was immediately taken to hospital and declared dead, hence the case as been altered to Section 304(ii) of IPC.

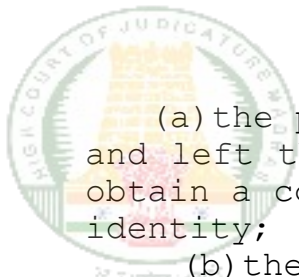
3. The learned counsel Senior Counsel appearing for the petitioners would submit that there are three accused in this case and the petitioners herein are arrayed as A2 and A3. A1 is minor. The petitioners herein are husband and wife. Due to dispute in respect of pasting their political party flex there was a quarrel between the parties in which the first accused said to have given a blow on the deceased, thereby he fell down. Even according to the case of prosecution the second petitioner only attacked the deceased with stone . The entire allegations are attributed as against the first accused. The occurrence took place at 5.30 pm., on 30.10.2020 the deceased left the place and about 9.00 pm., he suffered heart attack and died and absolutely there is no connection with the occurrence that took place at 5.30 pm.,. Therefore custodial interrogation of the petitioner is not required and hence sought for anticipatory bail.

4. The learned Government Advocate(Crl.Side) would submit that on 30.10.2020 during the temple festival there was a dispute between the petitioner's family and the defacto complainant family in respect of pasting their respective political party flex. In this regard the first accused attacked the deceased on his head and as such the deceased fell down and due to which he suffered heart attack and subsequently died.

5. It is seen that there are three accused in this case and the petitioners herein are arrayed as A2 and A3. The petitioners herein are husband and wife. The first accused is none other the son of the petitioners herein. There was a quarrel between both the family in respect of pasting their respective political party flex, in which the first accused said to have caused blow on the deceased, due to which he fell down and suffered injuries and so far as the petitioners are concerned they attacked the defacto complainant by stone. Thereafter at about 9.00 pm., he suffered heart attack and died. It is also seen that the first accused is minor and the petitioners herein are parents of the first accused.

6. Taking into consideration the facts and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/12/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I, KARUR
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
3. THE INSPECTOR OF POLICE, KARUR TOWN POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.14468 of 2020

Date : 11/12/2020

AAV

PK/JC/SAR-II/16.12.2020 : 3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>